

*This is an edited version of a talk presented on a panel sponsored by the Women's Caucus for the Modern Languages and the AAUP and organized by Michelle Massé: Narrating College Sexual Assault, MLA Convention, Austin, Texas, January 9, 2016.*

“Narrating College Sexual Assault” is a panel title calling for experts or for sensitive private conversation, but I will do my best as a humanities professor with no expertise on this subject, and speaking at a convention session. I share a sense of responsibility, and there is wide agreement that we have a problem of sexual assault on campuses. At least university administrations and the United States government are behaving as if the problem of sexual assault on campuses is urgent, and people must be held responsible for doing something about it. As you know, a 2007 survey indicated 1 in 5 college women experience sexual assault. An AAU survey on sexual assault released in September, 2015, indicated 23% of college women; the University of Virginia's (UVA) survey results seem to indicate more like 1 in 4. In 2011, UVA received the “Dear Colleague” letter that put many institutions under investigation by the Office of Civil Rights for Title IX compliance (by December, 2016, at least 142 institutions).

In this brief paper, on a painful topic and difficult memories of what happened at the University of Virginia in 2014, I will speak on the theme of responsible parties. First, I will recall the *Rolling Stone* episode, then I turn to the problems of new policies to address sexual assault, and conclude with some focused proposals. I'll try not to wade into the mire with older feminist academics, though I am one: Laura Kipnis and Janet Halley, for example, do *not* speak for me. But I might be heard to say something similar in my moderate critique of the current discourse on sexual assault on campus. The universities, in an effort to prevent all kinds of harm, have turned to a stultifying vocabulary anxiously answering to federal law and sometimes incompatible state laws. Measures to spell out the terms of Prohibited Conduct and the lines of responsibility could tip over into the Orwellian. University narratives of gender (and race and class) tend to be melodramas, as Northwestern professor Laura Kipnis declares in “Sexual

Paranoia Strikes Academe” (*Chronicle of Higher Education*). Kipnis writes of the painful irony of her being charged under Title IX for retaliation: “here were students demanding to be protected by university higher-ups from the affront of someone’s ideas, which seemed to prove my point”—her point being broadly to affirm female agency. Harvard Law professor Janet Halley holds that university policies are actually reducing students’ agency and increasing their vulnerability. I don’t begin where Kipnis and Halley seem to stand; students need to acknowledge agency and do need protections, and the revised policies improve on a tacit acceptance of predator-prey gender structures.

It’s time to instate and act upon a consensus: an incapacitated or coerced person cannot give consent, and without consent, sex is a crime. If only training and communication and policies were all we needed to change the culture and prevent violence and sexual discrimination. If only there were never any false accusations, or competing issues of free speech. Zero tolerance has always struck me as a dangerous locution, when it was in the War on Drugs or other matters. An actual community of trust and of free debate, much touted at my university, would not rely so much on mandatory, one-way courses or sturdy paragraphs of defining terms that condense human narratives. Believe me, I’m not saying suck it up, hide in your room, or ignore the patterns or the survivors. As I say, we need better policies and protections; I want our revised policies to work. And we need to change both actions and culture.

Responsible parties. Though this may sound like an oxymoron, I think colleges ought to have decent parties: I haven’t forgotten or regretted youth, dancing, and potential euphoria. If I echo the ads to drink responsibly, the ads not only sell alcohol but also underwrite a new normal of designated drivers. At the same time, by responsible parties I mean we’re all responsible for the circumstances surrounding alcohol, incapacitation, and consent in campus sexual assault. Faculty and graduate instructors have all recently been notified that we are *Responsible Employees*. As professors and MLA members, we have a responsibility to offer our grasp of history, theory, and cultural studies, as well as our expertise on narratives and rhetoric, to improve the discourse as well as the climate. My suggestions at the end of this talk are somewhat specific and maybe tangential ways to prevent the “power-based violence” and discrimination (as the

Green Dot program calls it) that are experienced by many women at many colleges and universities, as well as in society at large.

Let me give a bit of a narrative. My experience of college, which is not the narrative I'll be telling, seems worth mentioning, though I did not experience sexual assault. My very small, arts-centered college was radically different from a fraternity-centered university like UVA. When I entered college, we had just experienced the end of same-sex dorms, and the drinking age was 18. I went to Bennington, a college that had recently admitted men, that had no Greek or secret societies, and had a lot of pre-professional dancers and sculptors, lesbians, and a dusting of males who were not gay. It wasn't Utopia, it was literally in Bernie Sanders's Vermont (like many colleges still, not diverse enough), but we felt safe dancing our hearts out, and discovering some of the *veritas in vino* (hippies were passé and disco in the unforeseen future). Female sexual agency was taken for granted, and a range of professor-student relationships (including female professors with male and female students) were widely known. No reason for unmixed nostalgia. Camille Paglia was there.

The experience I'm offering in this piece is, fast forward some decades, from November-December 2014. The University of Virginia's crisis seems to me a synecdoche of what is happening elsewhere. UVA is certainly more conservative than Columbia or Northwestern, but we do have student activists of whom I am very proud.

## A Rape on Campus: A Brutal Assault and Struggle for Justice at UVA

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Photo: Illustration by John Ritter



Jackie was just starting her freshman year at the University of Virginia when she was brutally assaulted by seven men at a frat party. When she tried to hold them accountable, a whole new kind of abuse began

■ By Sabrina Rubin Erdely | November 19, 2014

*From Rugby Road to Vinegar Hill, we're gonna get drunk tonight*

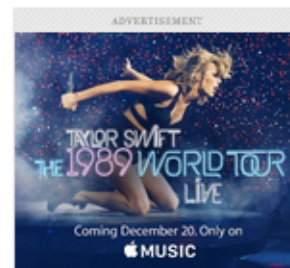
*The faculty's afraid of us, they know we're in the right*

*So fill up your cups, your loving cups, as full as full can be*

*As long as love and liquor last, we'll drink to the U of V*

—*"Rugby Road," traditional University of Virginia fight song*

**S**ipping from a plastic cup, Jackie grimaced, then discreetly spilled her spiked punch onto the sludgy fraternity-house floor. The University of Virginia freshman wasn't a drinker, but she didn't want to seem like a goody-goody at



*The Rolling Stone Crisis beginning in November, 2014. A screenshot with a Taylor Swift ad targeted at a boomer feminist user.*

You remember the highly publicized events surrounding the *Rolling Stone* article by Sabrina Erdely that recounted a gang rape as part of hazing during a fraternity party at UVA. I was among many faculty as well as students and staff at various rallies, and was quoted on NPR. I did not participate in the one major incident of vandalism, the picketing of the named fraternity, several marches, or the personal criticism of the administrators named as mishandling “Jackie’s” case.



*Post-Its on doors of Dean of Students building. Ban fraternities?*

The collective response was intense and disruptive, and actually somewhat heartening. Colleagues worked on proposals for residential colleges, on prevention measures, on other ways to address the apparent peer collusion in rape culture and the denial of responsibility on the part of the institution. I have been at UVA for 30 years. I was involved in the beginnings of Women's Studies and the Women's Center, and have taught feminist studies. What could I do to take responsibility for the sexist violence that we all at some level must have known was going on?

There was a lot of outcry against fraternities. Now and then fraternity culture has risen to the surface of debate in my years at UVA, and I live near the fraternities, trying to avoid them on Thursday-Saturday nights and game days. Some of my best students, when I get to know them, turn out to be sorority sisters. But like a lot of faculty, I tend to

think the Greek system pulls in the opposite direction of the goals of a liberal education. To campaign to abolish fraternities seemed foolhardy; I'd seen an earlier attempt fail. It's a third rail, sort of like football or guns; powerful alumni will back up the frats to the end. President Sullivan and the Greek organizations had temporarily halted activities of fraternities and sororities until January (the beginning of spring term). I decided to propose an Arts and Sciences faculty resolution to extend this closure to the end of spring semester. This was practicable and could gain time, I felt, to educate everyone on the structural injustice and danger of the Greek-dominated social life for undergraduates. Perhaps we could negotiate some changes to keep all our students safe and find alternatives to all-male-hosted parties with toxic amounts of illegal alcohol.

At the Arts and Sciences town hall, I tried to explain that I saw the drinking law and the fact that sorority houses do not serve alcohol as compounding the gender inequality at a school that was all-male until the 1970s. Underage first years (as UVA calls them) will want to drink, and sure, girls just want to have fun. Where can they go? To spaces controlled by groups of young men. The stairways and upstairs bedrooms at the frats seemed like gateways to an inverted hell; garbage cans full of high-proof punch and drugs in drinks were the pomegranate seeds. And Hades' minions, a.k.a. fellow students female and male, were ready to suggest that consent was implied by walking in the door.

The town hall was public and intense, but not a formal faculty meeting. When I proposed the closure of frats and sororities until May, someone asked why sororities should be punished. Among other things, I replied, "The whole system is sick." I meant that the inequalities are built into the gender-segregated spaces and policies. Sororities are dry, we learn, because of their national sororities' policy, which is said to be a matter of insurance costs—and why are sororities poorer than fraternities? It was also rumored that it was because of a Virginia law that bans five or more unrelated women living in a house and serving alcohol, by definition a brothel. I checked—that obscene, misogynist law at least could be repealed—but I found that a somewhat related law already had been taken off the books. In any case, trace it all back to patriarchal obsession with female chastity, as some Women's and Gender Studies majors were prepared to point out.

So, I was quoted by the Bloomberg reporter as saying “The whole system is sick.” I had touched the third rail. I found myself talking to reporters and posting on social media as never before in my life, and was certainly in over my depth (an interview with a conservative talk radio host on the Beltway might be the lowest point). There was an arbitrariness to the faculty who were demonized, as my part in it all was quite small. Some colleagues received far worse threats than I did. For a while, a few trolls were policing my Tweets. I had little effect.

My resolution, as rewritten by the Arts and Sciences Steering Committee, didn’t pass in the actual faculty meeting, in part because over the days and weeks, bit by bit the details of the *Rolling Stone* story unraveled. Suffice it to say that many had recognized horrible truth in the untenable facts of the story of Jackie. Never mind the well-documented cases and the courageous testimony by many survivors. The falsehoods have been taken as vindication for the fraternities—just like the Duke Lacrosse players, many have said. Today there are several lawsuits: the fraternity named in the article sued [case dismissed June 28, 2016], and so did Nicole Aramo, the associate dean who was responsible for helping the survivor of the assault, who was accused of colluding in the silence.

While this was a painful time, including unprecedented quarrels with my colleagues, I also saw remarkable resilience and activism among colleagues and students. The post-its on the dean’s office door were taken down one night, and back up the next day. A cairn of stones for survivors seemed to make a new collective memorial. And, good to know, UVA had already been developing various programs, some student-initiated, such as One Less and Hoo’s Got Your Back, to change the culture to encourage bystander intervention.

# TAKE BACK

## THE ARCHIVE

***Take Back the Archive*** is a public history project created by UVa faculty, students, librarians, and archivists. It is meant to preserve, visualize, and contextualize the history of rape and sexual violence at the University of Virginia, honoring individual stories and documenting systemic issues and trends.

We will soon be soliciting crowd-sourced material: documents, images, artifacts, ephemera, and survivor stories. We are also collecting material related to the current public outcry at UVa, [in partnership](#) with colleagues in Special Collections and UVa's Institute for Public History.

Stay tuned for information about how you can contribute. Please tweet using the hashtag [#TakeBackTheArchive](#) and [contact us](#) if you have questions about this work.

We hope our application of digital humanities tools like [Omeka](#) and [Neatline](#) to this project can help establish a national model for college and university communities wishing to memorialize, historicize, interpret, confront, **and end** sexual violence on campus.

Designed and maintained by the [Scholars' Lab](#) at the [University of Virginia Library](#).

## SCHOLARS' LAB

One initiative is fascinating; my colleagues, English and American Studies professor Lisa Goff and Scholars' Lab's design specialist Jeremy Boggs as well as Purdom Lindblad [*now of Maryland Institute of Technology in the Humanities*], with Vanessa Braganza and other undergraduate research assistants, are curating a collection, Take Back the Archive, on the history of sexual assault at UVA. It's a gruesome and sparsely documented history, with revealing cycles of public outcry. Meanwhile, I see a lot of public communication about the issues, somehow folded into school identity and pride, referring to "Hoos" (UVA students are Hoos) or "Grounds" (as we call the campus).



# Not on Our Grounds

## A University of Virginia Initiative to End Sexual Violence



About Green Dot #HOOSGotYourBack Pledge Resources Get Involved Home



Not on Our Grounds is a University of Virginia Initiative dedicated to ending sexual violence in our community through a series of awareness campaigns and prevention efforts. [More >](#)

Take the Pledge

Sexual and gender-based violence will not end until we, as members of the University of Virginia community, accept responsibility to become part of the solution. That responsibility encompasses words, actions, and beliefs that directly combat sexual violence and help to build a safer community.



### Related Links

- + Sexual Violence Education & Resources
- + Just Report It: Sexual and Gender-Based Violence
- + Student Sexual and Gender-Based Violence: Understanding Your Responsibility
- + Request a Presentation

### Across Grounds



*Screenshot of January, 2016, version of Not on Our Grounds site. Responsibility is the keyword of the Pledge. Dean of Students Allen Groves begins a video with deans and students advocating bystander intervention. “Across Grounds” shows a young woman affirming, in effect, that female students are not safe walking alone at night.*

Many at UVA felt horror and shame that an institution purporting to advance research and education could tolerate and obfuscate about pervasive events of sexual violence. What can we do? This is where moral outrage and communities rising to the occasion give way to the dulling regulations with unintended consequences. A responsible employee now has no right to respect the confidentiality of a student or colleague who narrates an experience of sexual harassment, stalking, unwanted physical

contact or rape. We must interrupt that survivor's story, because telling it compels retelling it within the framework of the university's legal responsibility under Title IX.

On August 17, 2015, UVA appointed Kelley Hodge, attorney and alumna, as its first full-time Title IX Coordinator and Executive Assistant to the President, one outcome of the *Rolling Stone* crisis [*she submitted her resignation May 15, 2016; Catherine Spear is the acting Title IX Coordinator, July 2016*]. Hodge's office and website remind university members that under Title IX: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." Other laws apply, depending on jurisdiction, but generally: Title VII of the Civil Rights Act of 1964 ("Title VII"); Violence Against Women Reauthorization Act of 2013 ("VAWA"); and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"). On January 8, 2016, I took the mandatory online course for "responsible employees" of UVA, which reiterates the revised university policy on sexual assault or Prohibited Conduct as well as the requirement of reporting. Perhaps this course taught me a few things I didn't know, and will change the reporting process for the better. But you don't have to be a libertarian or a complacent devotee of white male privilege to think these date-stamped, liability-avoidance courses (required to be retaken periodically) are tools mismatched for building a more equitable culture.

This is from UVA's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence, revised July 1, 2015: <http://titleix-vawa.virginia.edu>

The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, Complicity in the commission of any act prohibited by this policy, and Retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under this policy (collectively, "Prohibited Conduct"). These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated.... (2-3)

So is this:

A Responsible Employee is any University Employee who is not a Confidential Employee. A Responsible Employee is required to report to the University's Title IX Coordinator all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct that involves any Student as a Complainant, Respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. Responsible Employees include Resident Assistants, Graduate Teaching Assistants, and all other student-employees.... (8-9)

It turns out all employees who are not Confidential Employees are Responsible Employees. I'm not a Confidential Employee: "Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Virginia law" (8). Privacy is defined under FERPA and HIPAA laws. Do responsible employees have no confidentiality, and confidential employees no responsibility? Of course not; the categories overlap, but the policy default is to deflect responsibility to listen to the individual, which again has the effect of hampering the student. As soon as a survivor begins to talk to me, I need to interrupt and refer her or him to a Confidential Employee, and encourage them to use Just Report It; I also should get in touch with the Title IX coordinator. I have to say that I was unable to talk to Kelley Hodge [*as of January, 2016*]; she did not return my emails or phonecall (I did confer with one of her deputies, and I wasn't reporting an assault but researching for this talk). Members of the university must accept responsibility, says the Not on Our Grounds site. Laws about privacy, and the value of trust between individual students and faculty members, who may be the only non-family adults they get to know

during their academic lives, ask us to keep confidentiality. This is not just a little confusing and queasy-making, it's an ethical and practical conflict.

The laws themselves can conflict. The mandatory reporting of state law reduces the survivor's options, and it conflicts with federal policy allowing confidential reporting, as well as with laws concerning privacy. The messages of voluntary intervention, responsibility, meet up with the required displacement of a responsibility to listen onto professionals who can protect the confidence under the law. As language, as rhetoric, as education, the measures to prohibit prohibited conduct do not delight as well as instruct. I say this, eager to help prevent prohibited conduct. My criticism risks sounding like I object to the advances the laws have made for women. But let's remember some history and be humble. The effort to prevent and punish Prohibited Conduct can and has led to flawed federal law; Prohibition was a bad idea. The faculty and administration can seem like a version of the caricature of the Women's Christian Temperance Union, or perhaps Dworkin and MacKinnon's "dominance feminism" that influenced Janet Halley (Emily Bazelon, "The Return of the Sex Wars," September 10, 2015 <http://www.nytimes.com/2015/09/13/magazine/the-return-of-the-sex-wars.html>). Further, let's keep an intersectional feminist critique alive, being aware that masculinity has been defined as racialized violence in the US. We can hardly wake up in the morning without facing more news of gay Latinos gunned down in a nightclub, the murders of black men stopped by police, or of police killed by a sniper [*July 2016*]. Sexual assault on elite, young white college women is the tip of a society-wide issue of power-based violence. This will continue to be painful conflict that involves race and masculinity as well as class and age. <http://www.nytimes.com/2016/06/07/us/outrage-in-stanford-rape-case->

[over-dueling-statements-of-victim-and-attackers-father.html](#). We think young people of merit or means should be allowed to party like there's no tomorrow and no other human being present.

Responsible parties? Young people should be able to experience euphoria in safety, in settings in which all are responsible to each other. Unequal possession of territory makes parties unsafe and irresponsible. I'm aware that an older woman is not going to be the most popular political candidate or party guest, even with young women. But let me offer here a few specific suggestions.

- Let's change the drinking laws, which entangle higher education in hypocrisy and give fraternities a monopoly on what first-year students will want to have. It would take much longer to talk people out of thinking that bingeing alcohol brings joy. If, more importantly, we can change the drug and sentencing laws that have made the US a leader in incarceration rates and that criminalize poverty, surely we can restore the drinking age to 18. Highways and (driverless or otherwise) cars are getting safer.
- End (or at least scrutinize) segregation and stratification by any "identity." If the military can repeatedly reform its segregation, we can. We may not get rid of (expensive, exclusive) single-sex societies on campus, but let's try queer ones.
- Both the above moves would make fraternities less essential to the social life, and less cool, certainly. Before this happens, colleges and universities should have security "ambassadors" at really terrific dance parties (ask arts and music students how to turn it on), safe and appealing for LGBTQ, people of color, and all, at least during the Red Zone of the first semester of college. (UVA has green-shirted "ambassadors" on bicycles combing the Corner and fraternity neighborhood, where most assaults have been documented.)
- Try more residential colleges and faculty-student interactions beyond the curriculum (UVA is working on this). Faculty have tried to educate students apart from their social lives, but we must take more responsibility for the whole university experience.

- Those of us in the humanities and rhetoric business need to do what we can to influence laws and policies.